GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals – Request of M/s.BMM Cements Limited for considering the change of name from M/s.BMM Cements Limited to M/s.Sagar Cements (R) Limited in respect existing Mining Leases for Limestone held by them over an extent of 454.590 Hectares (1123.32 Acres) in various Sy.Nos. of Gudipadu (V), Yadiki (M), Ananthapuramu Dist under Rule 61 (1) (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 – Accepted - Orders - Issued.

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INDUSTRIES AND COMMERCE (MINES.III) DEPARTMENT

G.O.MS.No. 23 Dated: 09-04-2021

Read the following:

1.G.O.Ms.No.119, Ind & Com (M.III) Dept, dt.04.12.2015.
2.Lr.No.SC (R) L:GA:2017, dt.08.04.2017 & 21.10.2017 of M/s.Sagar Cements (R) Ltd., Hyderabad.
3.From the Director of Mines & Geology, A.P., Vijayawada Lr.No.10763/R4- 1/2017, dt.30.06.2017, 07.11.2017, 11.06.2018 & 27.06.2018.
4. From the Director of Mines & Geology, A.P., Vijayawada Single File No.10763/D11- ATP/2017, dt.18.01.2021.
5.Govt. Memo No.INC01-MG0MAJM/14/2020-M-III-Part(1),dt.09.04.2021.

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ORDER:

In the G.O. 1st read above, a Mining Lease for Limestone over an extent of 454.590 Hectares (1123.32 Acres) in Sy.Nos.15 to 55, 59, 68 to 78, 80, 85, 86, 88 to 91, 94, 95, 183, 184,189, 190 etc., of Gudipadu (V), Yadiki (M), Ananthapuramu District was granted in favour of M/s.BMM Cements Limited (BMMCL) for a period of Twenty (20) years and the lease is in force up to 14.12.2035.

2. In the letters 2nd read above, the lessee Company M/s.BMM Cements Limited has addressed the DM&G stating that their Company was established under the Companies Act, 1956 having established a Cement manufacturing Unit with an installed capacity of 1 MTPA on 12.11.2007 at Gudipadu (V), Yadiki (M), Ananthapuramu Dist and applied for grant of M.L. over the said area. By 2012, plant & machinery got ready for commercial operation. Due to slowdown in economic activities in the market, the Directors holding the equity of BMM Cements proposed to transfer their shares to a prospecting buyer i.e. the management of Sagar Cements, a similarly situated Company and made a Repn., on 19.12.2014 to the COI, A.P., in the matter. On according permission for change of shareholding by the SLAC in its Meeting held on 22.05.2015, the COI vide his Lr.dt.10.06.2015 has communicated the approval and by virtue of the same Sagar Cements has acquired 100% equity in BMM Cements on

P.T.O.

27.08.2015 and the Ministry of Corporate Afairs has accorded approval in the matter and a Certificate to that effect also issued by the Registrar of Companies on 08.03.2017. As the M.L., was granted, vide G.O. 1 st read above, in favour of BMM Cements the lease deed was executed accordingly on 15.12.2015. However, the change of name is not going to cause any impact on shareholding. The Lessee Company has therefore requested to efect the change of name from M/s.BMM Cements Limited to M/s.Sagar Cements (R) Limited as per Rule 61 of M.C. Rules, 2016.

3. In the proposals 3rd read above, the Director of Mines & Geology, A.P., Vijayawada has recommended to consider the application, dt.08.04.2017 fled by M/s.Sagar Cements (R) Limited for change of name from M/s.BMM Cements Limited to M/s.Sagar Cements (R) Limited in respect of the M.L. for Limestone over an extent of 454.590 Hectares (1123.32 Acres) in Sy.Nos.15 to 55, 59, 68 to 78, 80, 85, 86, 88 to 91, 94, 95, 183, 184,189, 190 etc., of Gudipadu (V), Yadiki (M), Ananthapuramu District under Rule 61 of M.C. Rules, 2016. The DM&G has stated that the changes in shareholders taken place at the time of application and the same was brought to the Notice of DOI, A.P., who accepted the changes in management and accordingly Govt issued M.L. in favour of M/s.BMM Cements Limited. The Registrar of Companies, GoI also issued Certificate on 28.03.2017 registering the change of name based on which the Company fled Repn., on 12.04.2017 within 60 days prescribed U/r 61 (1) of M.C. Rules, 2016. The DM&G has submitted further reports/remarks as required in the matter.

4. Government have issued a SCN to the lessee Co., on 29.06.2018 with regard to non intimation of changes, on which the lessee Co., has submitted their explanation on 27.08.2018. Government have directed the lessee Company on 31.01.2020 to file application for transfer as the issue comes under the purview of Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016. The lessee Co., has requested Govt to review the issue stating that their request will not come under purview of transfer.

5. The DM&G, vide letter 4th read above, has finally stated that the proposal of name change was actually submitted to Government on 07.11.2017 which was returned by Government on 31.01.2020 informing the applicant Company M/s.Sagar Cements (R) Ltd., to file Appln., for transfer of M.L. on which the applicant Co., submitted a Repn., on 26.06.2020 requesting to review the orders of State Govt in Lr.dt.31.01.2020 keeping in view the clarification of MoM, GoI, dt.04.06.2020. He has stated that after examination it is observed that there are no substantial changes in shareholding pattern of the lessee Company and therefore requested the Government to consider the request of the lessee Company taking into consideration of all aspects for change of name from M/s.BMM Cements Ltd., to M/s.Sagar Cements (R) Ltd., U/r 61 (1) of M.C. Rules, 2016 in respect of the M.L. held by M/s.BMM Cements Ltd., for Limestone over an extent of 454.590 Hectares in Sy.Nos.15 to 55, 59, 68 to 78, 80, 85, 86, 88 to 91, 94, 95, 183, 184, 189, 190 etc., in Gudipadu (V), Yadiki (M), Ananthapuramu Dist duly reviewing the orders issued in Govt Lr.dt.31.01.2020.

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Considering all the above aspects and further remarks of the DM&G Government have dropped the action proposed in SCN against the lessee Company duly withdrawing the directions issued in Lr.dt.31.01.2020, vide Memo 5th read above.

6. Government, after careful examination of the entire matter, hereby accept the change of name from M/s.BMM Cements Limited to M/s.Sagar Cements (R) Limited w.e.f. the date of communication received i.e. on 08.04.2017 in respect of the existing Mining Lease for Limestone held by them over an extent of 454.590 Hectares (1123.32 Acres) in Sy.Nos.15 to 55, 59, 68 to 78, 80, 85, 86, 88 to 91, 94, 95, 183, 184, 189, 190 etc., of Gudipadu (V), Yadiki (M), Ananthapuramu District under Rule 61 (1) (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016.

7. The Director of Mines and Geology, A.P., Vijayawada shall take further necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT(M)

To
(i) M/s.BMM Cements Ltd.,
Plot No.111, Road No.10,
Jubilee Hills, Hyderabad – 500 033,
Telangana State. (By RPAD).

(ii) M/s.Sagar Cements (R) Ltd.,
Plot No.111, Road No.10,
Jubilee Hills, Hyderabad – 500 033. (By RPAD)

The Director of Mines & Geology, A.P., Vijayawada.
Copy to:
The Assistant Director of Mines and Geology, Tadipatri, Anathapuramu District.
SF/SCs.(Comp.No:1332862)

//FORWARDED :: BY ORDER//

SECTION OFFICER